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ROLAND G. RIOPELLE
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*ADMITTED IN NY & NJ

August 10, 2012

BY ECF

Hon. John Gleeson
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Mahaffy, et al.
Cr. No. 05-0613 (JG)

Dear Judge Gleeson:

I write on behalf of Defendant Robert Malin. As the Court may recall, I represented Mr. Malin at the trial and sentencing before Your Honor, after being appointed by Judge Weinstein to do so pursuant to the Criminal Justice Act. I did not represent Mr. Malin in connection with his appeal, because his family retained counsel for that purpose. I am informed that the Circuit has issued an opinion vacating Mr. Malin's conviction, and remanding his case to the District Court for further proceedings.

I write to the Court at this juncture because Mr. Malin has asked me to continue to represent him pursuant to the Criminal Justice Act. He informs me that he has no funds to retain an attorney, and he has filled out the enclosed CJA Affidavit stating that he does not have any funds to retain counsel. At this point, I do not know if I am still appointed to represent Mr. Malin in the District Court pursuant to Judge Weinstein's original order appointing me, but, given Mr. Malin's desire for me to continue to represent him, I am certainly willing to do so. Therefore, I respectfully request that the Court enter an order continuing my appointment as Mr. Malin's counsel, or re-appointing me to represent Mr. Malin, if the Court is willing to do so.

SERCARZ & RIOPELLE, LLP

I am, of course, available to appear before Your Honor to discuss this application at any mutually convenient time.

Respectfully submitted, \



Roland G. Riopelle

Cc: All Counsel (By ECF)

FINANCIAL AFFIDAVIT			
IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE			
IN UNITED STATES <input type="checkbox"/> MAGISTRATE <input type="checkbox"/> DISTRICT <input checked="" type="checkbox"/> APPELLATE COURT or <input type="checkbox"/> OTHER PANEL (Specify below)		LOCATION NUMBER	
V.S. <u>Malin</u>		FOR	
AT		DOCKET NUMBERS	
PERSON REPRESENTED (Show your full name)		Magistrate	
Robert F. Malin		District Court	
CHARGE / OFFENSE (describe if applicable & check box)		Court of Appeals	
18 USC s. 1349		<input checked="" type="checkbox"/> Defendant - Adult <input type="checkbox"/> Defendant - Juvenile <input type="checkbox"/> Appellant <input type="checkbox"/> Probation Violator <input type="checkbox"/> Parole Violator <input type="checkbox"/> Habitual Prisoner <input type="checkbox"/> 2/35 Prisoner <input type="checkbox"/> Material Witness <input type="checkbox"/> Other	

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

ASSETS	EMPLOYMENT	Are you now employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Am Self-Employed
	Name and address of employer: _____	
	IF YES, how much do you earn per month? \$ _____	IF NO, give month and year of last employment I how much did you earn per month? \$ _____
	If married is your Spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, how much does your Spouse earn per month? \$ _____ If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____	
OTHER INCOME	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES RECEIVED \$ _____ SOURCES _____	
CASH	Have you any cash on hand or money in savings or checking accounts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, state total amount \$ <u>77.84</u>	
	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
PROPERTY	IF YES, GIVE THE VALUE AND DESCRIBE IT VALUE DESCRIPTION _____ _____ _____	

OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS <input type="checkbox"/> SINGLE <input type="checkbox"/> MARRIED <input type="checkbox"/> WIDOWED <input checked="" type="checkbox"/> SEPARATED OR DIVORCED	Total No. of Dependents <u>0</u>	List persons you actually support and your relationship to them <u>B</u>	
		DEBTS & MONTHLY BILLS (LIST ALL CREDITORS, INCLUDING BANKS, FINANCIAL COMPANIES, CREDIT CARD DEBTORS, ETC.)			
		APARTMENT OR HOME	Creditors	Total Debt	Monthly Payment
		<u>AMERICAN EXPRESS</u>	\$ <u>35000</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
		<u>CITI BANK</u>	\$ <u>12000</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
		<u>ERIC STEINBERG</u>	\$ <u>100000</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
		<u>LAUREN WISS (EX WIFE)</u>	\$ <u>300000</u>	\$ <u>0.00</u>	\$ <u>0.00</u>

certify under penalty of perjury that the foregoing is true and correct. Executed on (date)

8/7/12SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)R.F.M.